GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA

STARRED QUESTION NO:319
ANSWERED ON:05.08.2002
ENVIRONMENTAL COURTS
LAXMAN GILUWA

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether attention of the Government has been drawn to the recommendations of Hon'ble Supreme Court in which it has been suggested to set up special environmental courts to tackle the violation of environment related laws;

(b) if so, the steps taken by the Government in this regard;

(c) whether the Government propose to strengthen the institutional mechanism at the levels of Central and State Governments so that pollution preventive laws can be implemented and the personal responsibility of Unit/Agency head can be fixed for any violation of the law; and

(d) if so, the details thereof?

Answer

MINISTER OF ENVIRONMENT AND FORESTS(SHRI T.R. BAALU)

(a), (b), (c) & (d) A statement is laid on the table of the House.

STATEMENT IN RESPECT OF PART (a), (b), (c) & (d) OF LOK SABHA STARRED QUESTION NO. 319 FOR 5.8.20 REGARDING ENVIRONMENTAL COURTS.

(a) & (b): In pursuance of the Supreme Court judgment, in the Oleum gas leak case at Shriram Food & Fertilizer Industries Ltd., Delhi, suggesting setting up of Environmental Courts. The Government has enacted a legislation called the National Environment Tribunal Act, 1995 which provides for strict liability for damages arising out of any accident occurring while handling any hazardous substance. This Act provides for establishment of a National Environment Tribunal for effective and expeditious disposal of cases arising from such accidents.

(c) & (d): In order to strengthen institutional mechanism at the Central and State levels, the Government have delegated powers under Environment (Protection) Act, 1986 to Central Pollution Control Board, State Pollution Control Boards and Committees. Personal responsibility is provided under environmental laws. For any offence committed, the person responsible is deemed to be guilty of the offence and proceeded against.